

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, FEBRUARY 16, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Mehrdad "Mike" Fayyaz, Assistant City Engineer, Acting Chairman
Tony Irvine, City Surveyor
Kathy Connor, Parks Supervisor,
Robert Nielsen, Public Works and Utilities
Tom Terrell, Public Works Maintenance Manager
Ella Parker, Planner II, Planning & Zoning
Robert Dunckel, Assistant City Attorney

Staff Present:

Victor Volpi, Senior Real Estate Officer
Ed Udvardy, Manager of General Services
Judy Johnson, Administrative Assistant I
Diana Alarcon, Assistant Parking Services Manager
Eileen Furedi, Clerk II

Guests Present:

Karlene Pardue
Fred McMurtrey
Larry Dusing
Steve Tilbrook
David Goldman
Fred Fejes
Susan Balent
Daniel Day
Louann Lang
Deborah Gronsbell
Scott Gronsbell
Tim Singer

Mehrdad "Mike" Fayyaz called the meeting at 10:05 a.m. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way

ITEM ONE: APPROVAL OF JANUARY 19, 2006 MINUTES

MOTION BY TOM TERRELL TO APPROVE MINUTES. SECONDED BY BOB DUNCKEL

Motion passed unanimously.

ITEM TWO: **REQUEST TO SURPLUS PROPERTY**

Address or General Location: 1036 NW 4 Avenue

Victor Volpi introduced item stating that on January 14, 1997, the City received a Quit Claim Deed from Broward County for a parcel in Progresso 2-18 D, Block 190. He said that Ms. Pardue owns the property to the north and south of the site and would like to purchase it from the City. He said the lot is too small for construction and Ms. Pardue claims the City has not maintained the property. Victor Volpi introduced Ms. Karlene Pardue.

Bob Dunckel stated he did not have a copy of the Quit Claim Deed included with the backup and asked for clarification as to which lot/lots the City owns. Victor said the City owns Lot 43, of Progresso 2-18D, Block 190.

Ms. Pardue said the parcel has not been maintained, has become a dumping ground, attracts drug dealers and prostitutes and neighboring families are afraid to allow their children outside to play. Ms. Pardue stated that she would like to purchase the property, put up a fence, clean up, and maintain it.

Mike Fayyaz asked the Committee if the City could sell the proposed property to a specific person. Bob Dunckel said no, it would have to be surplused, allowing the public the opportunity to offer bids for the site. Bob Dunckel said due to the size of the lot and because it is undevelopable, there would probably be only one bidder.

Discussion followed as to neighboring property owners' interest in the site, the setbacks required, and the property being more of an economic utility to the applicant.

Mike Fayyaz asked if there were any utilities at the site. Robert Nielsen said no.

MOTION BY TONY IRVINE TO RECOMMEND THE CITY MANAGER AND THE CITY COMMISSION DECLARE THE PROPOSED PROPERTY SURPLUS AND OFFER IT FOR SALE, AND THE REAL ESTATE OFFICER WILL DO HIS USUAL DUE DILIGENCE AND COME UP WITH A VALUATION TO ESTABLISH A MINIMUM ASKING PRICE. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **EASEMENT TO BELL SOUTH – GEORGE ENGLISH PARK**

Address or General Location: corner of Bayview Drive and NE 11 Street, in George English Park (1101 Bayview Drive)

Victor Volpi introduced item stating that BellSouth is requesting (for the third time) the City give them an easement to place a 5-foot, 5-inch high, remote, digital terminal cabinet in George English Park. He said they now have an approved plan from the Parks and Recreation and Utilities Services Department and would like your positive recommendation to move forward with their request. Victor Volpi introduced Fred McMurtrey.

Victor Volpi said Commissioner Teel recently told him she was adamantly opposed to any more facilities in George English Park and feels the park is a gateway to the area.

Mike Fayyaz asked the applicant for the dimensions of the cabinet. Mr. McMurtrey said the cabinet is 7-feet long x 4-feet wide. Mike Fayyaz asked if other sites were considered in the vicinity.

Discussion followed as to previous requests made by the Committee that BellSouth consider purchasing property from a developer, a private party, or putting the cabinet inside a building. Mr. McMurtrey showed a photograph of a cabinet to the Committee located on Nob Hill Road and south of I-595, which did not have landscaping. Tony Irvine pointed out that it did not have a building around it either. Victor Volpi said the Committee had asked the applicant for a list of other possible sites of interest and why they were not considered.

Bob Dunckel said he had discussed the issue with Commissioner Teel, agrees the park is a gateway to the Coral Ridge area, and two (2) years ago the City had a more visually appealing gateway, and feels there should not be any further deterioration to the intersection. Mike Fayyaz asked the applicant if the proposal was discussed with the community. Mr. McMurtrey said no.

Mr. McMurtrey showed a photograph of a cabinet to the Committee, of a townhouse development in Davie, and pointed out that there were landscaping screens on all sides.

Discussion followed as to moving forward with the request, asking for the City Commission's approval, withdrawing, discussing the issue with Commissioner Teel, and previous discussions with the Committee where installation of the cabinet would be in the back of the property.

Mr. McMurtrey said a proposed site was looked at by Middle River boat ramp, Parks and Recreation did not have a problem with the area, but after BellSouth's Loop Control Manager (LCM) and the Project Manager took a closer look at the site, it was determined unsuitable. Mr. McMurtrey said an alternative would be for the City to give BellSouth an underground cable easement. Bob Dunckel stated that this is the first time the Committee has heard about this as an option. Mike Fayyaz asked if the City gave BellSouth an easement for an underground cable, would that eliminate the need for the above ground equipment. Mr. McMurtrey said no.

Bob Dunckel recommended that the applicant take a continuance, as he could not support the request. Bob Dunckel said BellSouth would have to market the proposal to the Neighborhood Association and Commissioner Teel.

Mr. McMurtrey said he believes Commissioner Teel will be agreeable, when she understands that it will be beneficial for the citizens to have a remote terminal that is on stand by, with battery back ups, and in the event there is a power outage, the community will be served with phone service and the Internet.

Tony Irvine said he was disappointed because the last time the applicant was at the PROW Meeting, the Committee strongly suggested they come up with a way to camouflage the box, other than the use of shrubbery. Mike Fayyaz pointed out that the Committee should also consider the needs of the community.

MOTION BY BOB DUNCKEL TO TABLE. SECONDED BY TOM TERRELL.

Tom Terrell said this is the first time the Committee has been informed of an alternative option that the City give BellSouth an easement. Ella Parker asked the applicant if it had to be a City property. Mr. McMurtrey said it could be private or public. Tony Irvine said he would like the cabinet to be further

away from the entrance; he strongly supports getting an easement through the area, and would like to see it camouflaged.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: EASEMENT TO BELL SOUTH – RIVERSIDE PARK

Address or General Location: (4 properties) 602 NW 12 Avenue, 604 SW 12 Avenue, 614 NW 12 Avenue, 623 SW 12 Avenue

Victor Volpi introduced item stating that at the (January 19, 2006) PROW Meeting, the Committee deferred this item so that BellSouth could explore other sites in the neighborhood. He said that Fred McMurtrey has returned to the Committee with a new proposed site, which is owned by the City. He said at the (September 18, 2003) PROW Meeting, there was a discussion about surplusizing the property. Victor Volpi introduced Fred McMurtrey.

Victor Volpi read the motions made by Bob Dunckel at the January 19, 2006 and the September 18, 2003 PROW Meetings.

Mr. McMurtrey said after doing a search of the area, BellSouth has come up with a proposed area of interest, they have plans to meet with the Riverside Civic Association in hopes of getting their support to allow the cabinet that will provide state of the art telecommunications and back up, in the event of a power outage. Mr. McMurtrey said the City owns the property and they have four (4) locations in mind. Mr. McMurtrey said BellSouth is interested in the site on 6th Place, installation would be on the east side of the 10-foot alley (right-of-way) behind the property, and the cable would go underground.

Discussion followed as to proposing a plan to the HOA, surveying the neighborhood for other suitable sites, and if City property should be surplusized.

Ella Parker said Riverside Park is currently working on a character plan that includes commercial use, that the neighborhood would like to preserve.

Discussion followed as to the size of the proposed property (50-foot x 110-foot), the property being unbuildable, BellSouth going through a public purpose process if acquired, and the alley at the site serving as access to the property abutting the waterway.

Bob Dunckel said there are land use issues that need to be tackled by BellSouth regardless of what the neighborhood sentiments are, consideration should be given to zoning perspective, and the property would have to go through a public bid process.

Mr. McMurtrey explained that BellSouth will not purchase the lot; they are looking for a 15-foot x 20-foot parcel on the front side of SW 12th Avenue or on the alley side, and they do not intend to block the alley, as installation will be underground. Bob Dunckel asked what size easement they would need. Mr. McMurtrey said approximately 15-foot x 20-foot.

Tony Irvine said the lot was acquired in 2003, in lieu of fines on the property by foreclosure and believes there was a private party interested if surplusized and put it out for bid. Tony Irvine stated that BellSouth could approach the successful bidder, offering them a deal before developing the site or acquire the Real Estate and sell it.

Bob Dunckel said he does not want to see the City do anything to a piece of property that may hamper its marketability. Mike Fayyaz said there are two (2) options: a) to table the item, do further research, have discussions with the neighborhoods and come back to the PROW Meeting at a later date, or b) leave it as is, and the Committee will vote.

Bob Dunckel suggested that Parks and Recreation give BellSouth an easement; the City would take a fee simple ownership and convert the area to a pocket park.

Discussion followed as to finding money in the budget, getting Phil Thornburg, Park and Recreation Director's approval, and BellSouth carrying some of the financial burden of caring for the park.

Tony Irvine said it is across the street from Riverside Park and it will probably hinder redevelopment. Tony Irvine said there is probably a way to improve the services and keep the quality of life in the neighborhood at a high standard, and feels the applicant should come back with solutions that will work technically for the neighborhood and not impact the quality of life.

MOTION BY TONY IRVINE TO TABLE. SECONDED BY BOB DUNCKEL

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: **VACATION OF RIGHT-OF-WAY**

Address or General Location: northwest corner of SE 30 Street and Federal Highway

ITEM WITHDRAWN

ITEM EIGHT: **AGREEMENT TO TEMPORARLY USE RIGHT-OF-WAY**

Address or General Location: area A-1 Bayshore Drive, starting at Birch Road (500 feet east), area A-2 Bayshore Drive, starting at N Atlantic Boulevard (160 feet west), area B Bayshore Drive, from N Atlantic Boulevard to Birch Street

Victor Volpi introduced item stating that Larry Dusing with Hunt Construction Group, Inc., representing Capri Resorts, LLC would like your positive recommendation to close and use certain portions of Riomar Drive and Bayshore Drive to facilitate construction. He said the request is to close area A-1 for one year and nine months, area A-2 for five months (intermittently), area B for 11 months, and area C for five months. Victor Volpi introduced Steve Tilbrook who represents Capri Resorts, LLC and Larry Dusing with the Hunt Construction Group.

Mr. Tilbrook said in 2002, the City Commission approved the full site plan, the City Commission asked for a staging and storage plan as to road closure and the various time frames involved to facilitate construction, as part of the DRC process. Mr. Tilbrook said the project consists of three (3) pedestal buildings, and two (2) towers, the project is currently under construction, certain sections of right-of-way are needed and various areas will have to be barricaded off for public safety.

Mike Fayyaz asked the applicant for further information pertaining to the storage plan discussion, the Development Review Committee (DRC) package, and what was submitted to the City Commission.

Mr. Tilbrook said the site plan was approved at the City Commission, construction site mitigations issues were discussed, but use of right-of-way was not specifically addressed. Mr. Tilbrook said the original proposed plan gave road closure details for A1A, Bay Shore Drive, Riomar Drive, and Birch Road, and explained how it would affect parking and traffic. Mr. Tilbrook said he is coming back today with a revised plan, as they would like to close vehicle access only when necessary. Mr. Tilbrook said they have been working with the parking systems and would like to proceed with their plan.

Mike Fayyaz asked about the phasing and if community concerns have been considered.

Discussions followed as to closure in area A-1 and area A-2, time frames involved, the various phases of construction, blocking the right-of-ways, keeping parking spaces open as long as possible, revenue for City parking, and the parking spaces along the north side of Bayshore Drive.

Bob Dunckel said he is going to recommend the applicant pay for the loss of revenues through out the duration of the project for area A-2, as he does not feel anyone will want to park there due to construction.

Diana Alarcon said the Parking Services Division recently met with the applicant to work out the logistics, meters will be removed at the proposed location, the MOT plan has not been established determining road closures, and would like all of Bayshore Drive available to the general public.

Tony Irvine said he is concerned about construction sites in this area allowing periodic closures, laying restrictions without having an overall area plan, and would like the applicant to provide a report as to what is happening in the area. Mike Fayyaz agreed and stated the Committee would like to have more information about closures and how it will affect traffic. Kathy Connor said she is concerned about the impact the street closures will have on the landscaping and irrigation systems.

Mr. Tilbrook said he would like to approach the right-of-way and protect the citizens properly, would like the Committee's recommendation in favor of a plan, and are willing to submit information to the Committee as to what other projects are doing and how the traffic will be affected. Mr. Tilbrook said the first phase has already started and it has to be protected in order to move forward, the second phase, area B and area C, will impact traffic, and suggested putting conditions on the closure in coordination with other projects. Mr. Tilbrook said area A-1 and area A-2 would not affect the traffic.

Bob Dunckel inquired as to when the City Commission approved the item. Mr. Tilbrook reiterated that it was approved in 2002.

Mr. Dusing said he believed the only requirement was DRC approval, and has since found out that a MOT was also required. Mr. Dusing said he has put a plan together based on the initial plan, submitted it to the County, it has been approved contingent upon City approval, has been submitted to the City, he has met with the Parking Service Division about a number of issues, and currently has plans to meet with Tim Welch and the Engineering Department. Mr. Dusing said they are proposing to use the water filled barricades with a fence, rather than pour drill fence posts, it is aesthetically more pleasing to look at and is easier to move in and out without tearing the fence down.

Mr. Dusing said in order to get Tim Welch to focus on the MOT, he was hoping to get the Committee's recommendation in favor of a Revocable License. Mike Fayyaz said the Committee likes to see what

they are approving and how it would affect the entire area and asked if the Neighborhood Association is aware of the road closures. Mr. Dusing said they are not. Mike Fayyaz said he did not feel comfortable making a recommendation before knowing what their views were. Tony Irvine said he would like to see several plans as to the road closure, and could only recommend approval of area A-1 and area A-2 at this time.

Diana Alarcon said the Parking Service Department has received a lot of complains about the current road closures. Mr. Tilbrook said he does not plan to close the roads until they have met with the neighborhood and the City Commission acts on it. Mike Fayyaz said before this item is presented to the City Commission, the Committee would like to say that all available options were considered, and the community has approved the proposed plan.

Discussion followed as to other projects in the area, road closures, and MOT's previously approved with Revocable License that applicant could review to assist in working out the final details. Bob Dunckel asked about the structuring of a removable license that was recently drawn up, prohibiting use of public right-of-way for staging materials and crane operation.

Discussion followed as to crane travel in areas A-1 and area A-2, applicant providing documentation that the crane will not be impacting utilities that are underground, and the various stages of road closure and how traffic would be affected.

Bob Dunckel said he has concerns about the crane being stored in the public right-of-way, is fine with confining construction activities to an owner's property, but the City does not close streets for storage of materials. Mr. Tilbrook said they will accept the conditions of the Revocable License as to not storing products and/or the crane in the right-of-way, but may use the crane in the right-of-way during construction. Bob Dunckel reminded the Committee of a project in the past, where a crane fell over and damaged City property. Mr. Tilbrook said he plans to work out all the crane issues with Tim Welch. Mike Fayyaz reiterated that he wants the community's support of the proposed plan.

Discussion followed as to a consensus of the Committee moving forward with proposal in area A-1 and A-2, giving Tim Welch tools as to overall traffic/pedestrian circulation plan, TV survey, and applicant paying for sewer system damage, no use crane issues in the area, area B and area C, going back to the PROW next month with a revocable license and addressing everything at one time, and preparation of two (2) separate license agreements.

Mike Fayyaz asked if the parking on Bayshore Drive is new. Diana Alarcon said the spaces were opened when hotels and condominiums were torn down. Mike Fayyaz asked if anyone in the vicinity relies on those spaces. Diana Alarcon explained that the City received complaints due to traffic obstructions, after which spaces were marked, meters were installed, a portion of Bayshore Drive was opened for the general public, the Parking Service Department has offered the public alternative places to park, information was offered to the public about a resident permit program, and alternative means for parking issues and complaints have simmering down.

MOTION BY TONY IRVINE TO RECOMMEND THAT THE CITY ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH REGARD TO AREAS A-1 AND A-2, TO ALLOW THE DEVELOPERS TO CLOSE THOSE AREAS, BUT NOT TO OBSTRUCT TRAFFIC, SIMPLY FOR MATTER OF CLOSING PARKING AREAS, SUBJECT TO: 1) THERE BEING NO STORAGE OF MATERIALS OR EQUIPMENT IN THE LICENSE AREA; 2) THE DEVELOPER AGREES TO REPAIR ALL FACILITIES THAT MAY BE DAMAGED BY CONSTRUCTION; 3) AT THE END OF

THE CONSTRUCTION PROCESS, A TV SURVEY IS DONE ON THE SANITARY LINES AJACENT TO THE SITE; 4) THE COST OF ANY NECESSARY REPAIRS BE BORNE BY THE DEVELOPER AS WELL AS THE COST OF THE TV SURVEY, AND SUBJECT TO: 5) REVIEW BY TIM WELCH AND ADDING ADDITIONAL CONDCTIONS AS TO APPROPRIATE FOR PUBLIC SAFETY. SECONDED BY TOM TERRELL.

Discussion followed as to the applicant withdrawing their proposal to close areas B and C at this time.

MOTION PASSED UNANIMOUSLY.

ITEM NINE

DISCUSSION REGARDING:
CONVERSION OF CITY OWNED PARKING LOT INTO A PARK

Address or General Location: 529 NE 7 Avenue

Victor Volpi introduced item stating that in 1970, at a cost of \$32,500.00, the City acquired the parcel at 529 NE 7th Avenue for the purpose of replacing the removed curbside parking on North Federal Highway. He said the Neighborhood Association would like your positive recommendation to make this parking area a park. Victor Volpi introduced Jeanne Lalli, Larry Wallenstein, and et al, Victoria Park Civic Association.

Mr. Wallenstein said they would like the site to be a pocket park. Ms. Lalli said if the Committee recommends approval of their request, they would like the maintenance of the park to be a joint venture with the City and their Homeowners Association (HOA). Ms Lalli said their association has maintained other pocket parks for the past 7-9 years.

Mike Fayyaz asked if the public uses the site. Fred Fejes, neighboring property owner (7 East Condominium), said the parking meters have been removed, it is not being used, and it is not kept clean. Mike Fayyaz asked why the site is no longer being used. Diana Alarcon, Assistant Parking Services Manager, said Parking Service Department is working with the Traffic Engineering Department in realigning 7th Avenue, due to a number of parking issues, and would like to see the item tabled until the study is complete, after which recommendations will be made.

Bob Dunckel asked the applicant if they have gotten a commitment from the respective department as far as a budgetary perspective, if City was going to use the site as a park. Mr. Wallenstein said no, their instructions were to write a letter to the PROW Committee asking for their support. Bob Dunckel explained that the Committee approaches these issues from a multi disciplinary perspective, other departments and divisions are affected, and the issue has to be developed further as to who is going to bear the expenses. Ms. Lalli explained that they came to today's PROW Meeting to bring their wishes forward and start the process, and ask the Committee what they should consider.

Mike Fayyaz asked Kathy Connor if there is a City policy of making small properties like this into a passive park. Kathy Connor said no, the City evaluates on a case-by-case basis, is in support of parks and green areas, but smaller parcels have become an issue because of maintenance costs, as they will exceed the benefit.

Tony Irvine suggested they consider they look at the idea that the use for parking and green space may not be mutually exclusive and consider working with the Parking Service Department to see what

can be worked out with a limited number of parking spaces and additional greenery, so there would be a combined use.

Diana Alarcon said the Parking Service Department purchased the proposed property, and developed it into a parking lot. Diana Alarcon said there is a study along NE 7th Avenue because of complaints and issues from local business and residents. Mike Fayyaz said the Committee recommends that the applicant work with the Parking Service Department and Parks and Recreation Department, come up with a design or agreement as to what should be done, go back to the PROW at a later date, at which time it will be reviewed as a project. Tony Irvine explained that the Parking Services Department owns the parcel; Parking Service is an enterprise fund and it is a separate entity. Tony Irvine said the City cannot appropriate property from the Parking Service unless the City pays the Parking Service Department for it. Kathy Connor stated that the site has been used as a parking lot.

MOTION BY TONY IRVINE TO TABLE. SECONDED BY TOM TERRELL

MOTION PASSED UNANIMOUSLY.

ITEM SIX VACATION OF EASEMENT / DISPOSITION - PALMDALE STATION

Address or General Location: NE 6 Avenue, south of North East High School (700 NE 56 Street)
Oakland Park

Victor Volpi introduced item stating that at the January 19, 2006 PROW meeting, the Committee deferred this item until the Real Estate Office was able to find out if the Broward County School Board wanted the building that housed the Palmdale Pump Station to remain, after the City vacates. He said Nick Massina, Real Estate Officer for Broward County School Board, said Bobby Heatherdale with NE High School has looked at the building and has requested that it remain.

Bob Dunckel asked if the Real Estate Officer had the request in writing. Victor Volpi said no. Bob Dunckel said the City should get the offer in writing.

Discussion followed as to the City Engineer being the applicant of the vacation, and the building automatically being returned to the Broward County School Board.

Bob Dunckel said at the last meeting, he was debating the issue as to whether it should be a vacation or quit claim and that he would have to resolve the issue.

Discussion followed as to the City Commission's authorization of the official quit claim deed (government to government).

Victor Volpi asked what type of documentation the Real Estate Officer should obtain to secure the request that the building remain. Bob Dunckel said a memo or letter preferably from Nick Massina, Real Estate Officer for Broward County School Board, stating that they want the building and the City move forward with the request.

MOTION BY BOB DUNCKEL TO RECOMMEND THE CITY MOVE FORWARD WITH DISPOSITION OF THE EASEMENT IN FAVOR OF THE BROWARD COUNTY SCHOOL BOARD, BY WHAT EVER VEHICLE IS APPLICABLE. SECONDED BY TONY IRVINE.

MOTION PASSED UNANIMOUSLY.

ITEM SEVEN: DISCUSSION – CITY PARK MALL LEASES

Address or General Location: City Park Mall (under the City Parking Garage), southeast corner of SE 1 Street and SE 1 Avenue

Victor Volpi introduced item stating that in the last 26 years, two (2) City Park Mall tenants have vacated the property owning the City money. He said the City Attorney's Office has explained that a modification to the lease would make it easier to recover these funds. He said the Real Estate Office would like your positive recommendation to add a personal guarantee to all **new** City Park Mall leases.

Bob Dunckel said if the City took action at the first signs of default, the losses' would be minimized. Victor Volpi said due to policies and procedures, they have to wait approximately six (6) months. Bob Dunckel said if the City had a personal guarantee, the damages would accrue month by month, until the balance of the lease term. Kathy Connor asked about tools the private sector uses. Bob Dunckel said in the private sector, action would be taken much quicker, a letter would be generated fifteen (15) days after default stating that the situation be addressed immediately or the issue would be referred to counsel to start eviction proceedings. Mike Fayyaz asked if the City could require a security deposit equivalent to around three (3) months. Victor Volpi said that would limit his market. Bob Dunckel said he would like to bring this back at a later date and find out more about the City using a three (3) day notice and policy constraints that might yield a better result. Bob Dunckel said he would like to meet with the Senior Real Estate Officer to discuss modifying policy constraints, so we have a more responsive system.

MOTION BY TOM TERRELL TO TABLE. SECONDED BY ELLA PARKER.

MOTION PASSED UNANIMOUSLY.

ITEM TEN: LEASE WITH LAKEVIEW PLAZA – PROPERTY LOCATED AT NW 31 AVENUE AND SOUTH OF NW 62 STREET

Address or General Location: west of NW 31 Avenue, south of NW 62 Street

Victor Volpi introduced item stating that the Real Estate Office would like your positive recommendation to execute a new lease with Lakeview Plaza. He said they have leased the property since October 1994 and have requested a new five (5) year lease. Victor Volpi introduced Judy Johnson, Administrative Assistant I.

Judy Johnson said the lease expired on September 30, 2004; the tenant still remains and has benefited from the property. Judy Johnson explained that the lease expired because there was a question as to Broward County Hazardous Waste and wellfield licensing. Judy Johnson said she has researched the issue with Kris McFadden, Environmental Supervisor, and he has informed her that everyone in area is in compliance, so there are no environmental reasons **not** to let the tenant stay. Judy Johnson said the property is approximately 15-foot x 446-foot, the tenant parks cars at the

location, and pointed out that the property is used for extra parking at the back of the parking lot, behind the plaza.

Mike Fayyaz asked if the tenant pays rent. Judy Johnson said he paid until September 2004.

Discussion followed as to the tenant stating he never received a bill, his offer to go without a lease, renewal and/or new lease, and tenant agreeing to pay the two (2) years of back rent with a new lease.

Judy Johnson said between 1989-1994, the current tenant did not pay their bill and did not have a lease. Bob Dunckel explained that it would be a new lease, and the City must follow the follow procedures set forth by the Charter.

Kathy Connor asked why the City wants the property. Tom Terrell said it is part of the wellfields.

Bob Dunckel said if the property was purchased with enterprise funds, any revenue stream generated should go back to the enterprise fund. Judy Johnson said Florida Palm Aire Corporation donated the property, in March 1982.

Bob Dunckel stated the tenant owes all the back pay and plans to call them. Bob Dunckel said he wants a month-by-month accounting, as the City is entitled to an interest stream until paid and this would have to be coordinated through Finance.

Kathy Connor said if the property was wellfield or conservation, parking would not be allowed. Bob Dunckel explained that the issue would be addressed before it is put on the City Agenda, advertising it for a new lease.

Mike Fayyaz said there would be two (2) steps: 1) The City will demand the money owed, and 2) The City will determine if the property can be leased and there will be a competitive bidding process.

MOTION BY BOB DUNCKEL STATING THAT JUDY JOHNSON: 1) ASSEMBLE THE INFORMATION REQUESTING THAT THE CITY ATTORNEY'S OFFICE SEND A DEMAND LETTER, COORDINATING WITH THE FINANCE DEPARTMENT AND, 2) SOME DUE DILIGENCE BE CONDUCTED IN REGARD TO WHAT LAND USE CONSTRUCTIONS MAY APPLY, AND IF THERE ARE NO LAND USE AND/OR ZONING RESTRICTIONS, GO FORWARD AND PROCEED IN ACCORDANCE WITH THE CHARTER TO OPEN FOR BID PROCESS AND FOR A NEW LEASE. SECONDED BY KATHY CONNOR.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 12:05 p.m.